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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,491	09/29/2006	Carlo Innocenti	891,021	9745
24106 7590 04/07/2009 EGBERT LAW OFFICES 412 MAIN STREET, 7TH FLOOR HOUSTON, TX 77002			EXAMINER COLILLA, DANIEL JAMES	
			ART UNIT 2854	PAPER NUMBER
			MAIL DATE 04/07/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/599,491

**Applicant(s)**

INNOCENTI ET AL.

**Examiner**

Daniel J. Colilla

**Art Unit**

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 29 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, **the motor drives and “enclosing structure” (as recited in claim 1, lines 3) and the control devices and devices for rewinding and checking the ribbons for wear (as recited in claim 2)** must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The disclosure is objected to because of the following informalities: in paragraph [0010], applicant indicates that the reference numeral **8** is used in association with a rubber-coated roller. However, in Figs. 1-4, the reference numeral **8** appears to be used in association with a support for a roller.

Appropriate correction is required.

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

In claim 1, “**a front part containing a pool of said printing ribbon and said take-up core**” and “**a rear part holding said spool of said ribbon medium and said take-up core of said printing cassette.**”

None of claims 2-4 is supported by the specification.

***Claim Objections***

4. Claims 1 and 3 are objected to because of the following informalities:

- In claim 1, line 16, “said ribbon medium” has no proper antecedent basis in the claims.
- In claim 3, it is not clear how this claim further limits the parent claim.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 4, the phrase, "being joined in a thermal printhead" does not appear to make structural sense.

In claim 1, line 3, applicant recites plural printing ribbons and plural receiving ribbons. However, in lines 5-6 and 9 applicant recites "said printing ribbon" and "said receiving ribbon" respectively. These terms do not have proper antecedent basis in the claims because it is not clear which printing ribbon and which receiving ribbon applicant is referring to.

In claim 1, line 14, it is not clear what structure "a front part" is referring to.

In claim 1, line 15, it is not clear what structure "a rear part" is referring to.

In claim 1, applicant recites substantial structure of "each driving device." However, it is noted that applicant never positively recites each driving device as part of the claimed subject matter.

In claim 1, line 19, applicant recites that "each driving device having a thermal printhead and a position via a device made integral with each driving device" does not appear to make sense. It would appear that there is only one thermal printhead and that it is not structurally related to the driving device.

In claim 1, lines 7-8, applicant recites that a driving device is inserted through a central hole in the core and spool of the printing ribbon cassette, and in lines 11-12, applicant recites that another driving device is inserted through a central hole in the core and spool of the receiving ribbon cassette. However at the end of the claim applicant recites that each driving device has a series of idle rollers, a series of motorized rollers and a rubber-coated roller. It does not appear that all of this structure could fit into the holes as mentioned above.

In claim 1, lines 14-18 are unclear, because applicant recites a "second receiving cassette" that is "distinct from the printing cassette and the first receiving cassette." However, then applicant continues to recites that the second receiving cassette *includes* parts of the printing cassette and the first receiving cassette.

In claim 4, "the cassettes" is unclear because three cassettes have previously been recited. It is not known to which cassettes applicant is referring.

*Due to the extensive nature of the 112 paragraph problems with the claims, it is difficult to accurately apply prior art. However, the below rejection appears to meet the claim language as the examiner believes it was intended.*

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 and 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasaki *et al.* (US 6,317,156) in view of Yamaguchi *et al.* (US 2002/0006303).

With respect to claim 1, Nagasaki *et al.* discloses the claimed thermal transfer printer/labeler except for a separate, individual printing cassette, a separate, individual first receiving cassette and Nagasaki *et al.* is silent on whether the drive roller includes rubber or not. Nagasaki *et al.* discloses a thermal transfer printer/labeler for cassettes or ready-to-use packages, said printer/labeler including an enclosing structure 11 with a motor drive ("a pulse controlled drive source," Nagasaki *et al.*, col. 13, lines 51-57, the examiner believes that applicant intended to only recite one motor drive since it appears that that is all that would be needed), a printing ribbon 41 and a receiving ribbon 42 said motor drive being joined in a thermal printer 10 as shown in Fig. 11 of Nagasaki *et al.*

Nagasaki *et al.* further discloses a "second" receiving cassette having a composite form (i.e. it includes two different kinds of ribbon), distinct from separate, individual printing cassette and a separate, individual first receiving cassette, said second receiving cassette having a first part having a spool 32 of a printing ribbon 41 and said take-up core 33 for said printing ribbon, and a second part having spool of said receiving medium 34 and said take-up core 35 for said receiving medium 42, said first part and said second part having a central hole to accommodate the driving devices of said printing ribbon and said receiving ribbon (although Nagasaki *et al.* does not show them, these holes are inherent for receiving driving shafts 21 and feed roller 18) and wherein the driving devices are externally motorized (Nagasaki *et al.*, col. 9, lines 13-22) and guide the cassette, the printer including a thermal printhead 16 and a series of idle rollers 31d, 31e, a series of motorized rollers 17 and 22 and a drive roller 18.

Regarding the printing cassette and the first receiving cassette, Nagasaki *et al.* discloses this structure as mentioned above in a single cassette structure. It has been held that making something separable is obvious if there is a motivation for separating that structure. In re Dulberg, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961) (The claimed structure, a lipstick holder with a removable cap, was fully met by the prior art except that in the prior art the cap is "press fitted" and therefore not manually removable. The court held that "if it were considered desirable for any reason to obtain access to the end of [the prior art's] holder to which the cap is applied, it would be obvious to make the cap removable for that purpose."). See MPEP § 2104.04, part V. Thus it would have been obvious to provide additional "second" receiving cassettes as disclosed by Nagasaki *et al.* to have more supply of consumable items used by a printer. And it would have been obvious to make this additional "second" receiving cassette in two parts (i.e. a printing cassette and a first receiving cassette" for the advantage of only replacing the cassette that needs replacing, for example, due to exhaustion of its supply.

Yamaguchi *et al.* teaches a platen roller 65 that is made of rubber (Yamaguchi *et al.*, paragraph [0065]). It would have been obvious to combine the teaching of Yamaguchi *et al.* with the printer disclosed by Nagasaki *et al.* for the advantage of a platen that firmly grips the receiving ribbon and that elastically receives the thermal head as it is pressed against the platen.

Additionally, it is noted that Yamaguchi *et al.* teaches a printing cassette 30 and a first receiving cassette 20 that combine to make a second receiving cassette as shown in Fig. 7 of Yamaguchi *et al.* a printing cassette with a shape and size depending on a type of printing ribbon, said printing ribbon having a spool contained in said printing cassette, said printing



cassette accommodating a take-up core and said spool of said printing ribbon, the core and spool having a central hole through which a driving device is inserted;  
a first receiving cassette having an asymmetric conformation, said receiving ribbon having a spool contained in said receiving cassette, said receiving cassette containing said spool of ribbon medium and a take-up core, the core and spool having a central hole through which another driving device is inserted; and

With respect to claim 3, the printing cassette, first receiving cassette and second receiving cassette as taught by Nagasaki *et al.* and Yamaguchi *et al.* are exclusively configured for receiving ribbons.

With respect to claim 4, both Nagasaki *et al.* and Yamaguchi *et al.* teach that the cassettes are ready-to-use-packages each being comprised of a spool and take-up core rigidly connect by a rigid support as shown in Fig. 11 of Nagasaki *et al.* and Fig. 7 of Yamaguchi *et al.* (the basic structure of a cassette would inherently include such rigid structure).

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasaki *et al.* (US 6,317,156) in view of Yamaguchi *et al.* (US 2002/0006303), as applied to claim 1 above, and further in view of Bellotto *et al.* (US 5,961,230).

Nagasaki *et al.* in view of Yamaguchi *et al.* discloses the claimed printer/labeler except for the control device for locking and the device for checking the ribbons for wear. Nagasaki *et al.* teaches a device for rewinding the ribbon in col. 21, lines 1-9). Bellotto teaches a printer with a sensor 114 that detects the ribbon for wear (“detects the condition in which the fresh ribbon is exhausted and stops the printer”); the stopping of the printer being equivalent to the locking of a

drive device. It would have been obvious to combine the teaching of Bellotto with the printer/labeler disclosed by Nagasaki *et al.* in view of Yamaguchi *et al.* for the advantage of preventing any printing with an inadequate ink ribbon.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Murata *et al.* is cited to show a print tape receiving cassette and an ink ribbon cassette that are combinable to make a composite cassette. Beadman *et al.* is cited to show a print receiving tape cassette and an ink ribbon cassette used together. Sone is cited to show an example of a printer with a print receiving tape that is rewound onto a wind-up core. Schoon *et al.* and Okubo are cited to show printers with a receiving tape cassette with a portion that is rewound onto a wind-up core.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Daniel J. Colilla** whose telephone number is **571-272-2157**. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Judy Nguyen** can be reached at **571-272-2258**. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 7, 2009

/Daniel J. Colilla/  
Primary Examiner  
Art Unit 2854